

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In Re: **VINROY W. REID, Debtor**

Case No.: **18-31436**

CHAPTER 7

MOTION TO STRIKE

NOW COMES the Debtor, **Vinroy W. Reid**, by and through counsel, and respectfully moves the Court to strike Proof Of Claim #10-4 filed by Y2 Yoga Cotswold, LLC on July 16, 2020 in the amount of \$1,218,901.99, along with the subsequent email providing additional information to forwarded to the Court by Counsel for Y2 Yoga Cotswold, LLC on July 16, 2020.

In support hereof, the Debtor would show unto the Court as follows:

1. That the Court held a video hearing through Zoom on June 19, 2020 on the Debtors' (Vinroy W. Reid and V.R. King Constructions, LLC) Motions for Judgment on the Pleadings/Summary Judgment as well as other related Motions filed by the Trustee on both the Vinroy W. Reid and V.R. King matters. The two Debtors are jointly and severally liable for payment of the State Court Judgment owed to Y2 Yoga.
2. That all parties presented evidence at the evidentiary hearing on June 19, 2020.
3. That at the hearing the Court allowed Y2 Yoga to file an Amended Proof of Claim on or before July 6, 2020. Y2 Yoga filed a timely Proof of Claim in the amount of \$918,139.49.
4. That on July 16, 2020, Y2 Yoga filed an Amended Claim in the amount of \$1,218,901.19, ten (10) days after the Court ordered deadline to file the Amended Proof of Claim.
5. That on July 16, 2020, Y2 Yoga emailed additional evidence/information to the Court to substantiate its late filed Proof for Claim.
6. The Debtor objects to Y2 Yoga's tender of additional information and/or of

evidence because it attempts to introduce facts that are not in evidence into the hearing without proper foundation and/or testimony after the conclusion of evidence.

7. The Debtor requests that the Court strike the Proof of Claim #10-4 filed by Y2 Yoga on July 16, 2020 along with the subsequent email forwarded to the Court on July 16, 2020 providing the Court with additional evidence and or information. The Debtor asserts that such information is highly prejudicial, improper, impermissibly filed and not properly before the Court because the Court did not request the parties to file briefs or present additional evidence at the end of the hearing and Y2 Yoga did not seek leave from the Court to extend its deadline to file its proof of claim on July 16, 2020 or email additional evidence in support of late filed Proof of Claim.

WHEREFORE, the Debtor prays that this Honorable Court Strike Y2 Yoga's Proof of Claim #10-4 filed on July 16, 2020 along with any supporting evidence and/or information submitted on July 16, 2020, along with any other relief this Honorable Court deems just and proper.

On this 23rd day of July 2020.

/s/: Verna Bash-Flowers
Attorney for the Debtor
PO Box 927
Lowell, NC 28098
Phone: (704) 691-7220
Facsimile: (877) 261-2710
vnclaw.bashflowers@outlook.com
NC State Bar no: 38937

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA**

CHARLOTTE DIVISION

In Re: VINROY W. REID, Debtor

Case No.: 18-31436

CHAPTER 7

**NOTICE OF OPPORTUNITY FOR HEARING ON DEBTOR'S MOTION TO STRIKE
AMENDED CLAIM #10-4 FILED BY Y2 YOGA COTSWOLD, LLC**

A Motion to Strike Y2 Yoga Cotswold, LLC's Proof of Claim filed on July 16, 2020 was filed by Debtor, through Counsel and

FURTHER NOTICE IS HEREBY GIVEN that this Objection may be allowed provided no response and request for hearing is made by a party in interest in writing to the Clerk of Court within thirty (30) days from the date of this Notice at:

Clerk, United States Bankruptcy Court

401 W. Trade Street

Charlotte, NC 28202

If you mail your response to the Clerk for filing, you must do so early enough that the Court will receive it on or before August 21, 2020.

You must also mail a copy of your response to:

Attorney Verna -Bash-Flowers, Debtor's Counsel

PO Box 927

Lowell, NC 28098

FURTHER NOTICE IS HEREBY GIVEN, that a hearing will be conducted on the Objection at US Bankruptcy Court, Charlotte, Courtroom 1-5, 401 W. Trade Street, Charlotte, NC 28202 on

This is the 23rd day of July, 2020.

/s/: Verna Bash-Flowers
Attorney for the Debtor
PO Box 927
Lowell, NC 28098
Phone: (704) 691-7220
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is over the age of eighteen (18) years and understands the obligations of an oath. She certifies that on this 23rd day of July, 2020, she filed the attached Motion to Strike, to be served on the following via ECF only on:

U.S. Bankruptcy Administrator Shelley Abel: Shelley_Abel@ncwba.uscourts.gov;

A. Burton Shuford, Trustee: bshuford@abshuford.com;

James H. Henderson, Attorney for Y2 Yoga: henderson@title11.com;

Robert Lewis, Jr., Attorney for VR King Construction, LLC: rlewis@thelewislawfirm.com; and

David G. Guidry, Attorney, for Notice Purposes only, for Y2 Yoga:
davidglenGuidry@gmail.com.

This is the 23rd day of July, 2020.

/s/: Verna Bash-Flowers
Attorney for the Debtor
PO Box 927
Lowell, NC 28098
Phone: (704) 691-7220
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